

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BETHANY CHRISTIAN MISSION CENTER, INC.)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 98-282
)	
HOLLY CREEK PRODUCTION CORPORATION)	
)	
DEFENDANT)	

O R D E R

On July 28, 1999, the Commission found that Bethany Christian Mission Center, Inc. ("Complainant") was overbilled \$23,674 from January 1994 through December 1997 by Holly Creek Production Corporation ("Holly Creek"). The Commission ordered Holly Creek to refund Complainant the overbilled amounts and to prepare and file, within 60 days from the date of the Order, a plan setting forth Holly Creek's proposal for making the refund of \$23,674 over a 3-year period. On August 17, 1999, Holly Creek filed a motion for reconsideration the Commission's Order of July 28, 1999, and the Commission denied the motion on August 27, 1999.

On May 30, 2000, Complainant filed a motion to compel Holly Creek to file its plan for making a refund of \$23,674 as directed in the July 28, 1999 Order. Holly Creek did not respond to that motion and, consequently, an Order was entered requiring Holly Creek to submit its plan by July 11, 2000.

The Commission, upon its own motion, has reexamined the record herein and finds that in paragraphs 4(a) and (b) of a letter addressed to the Commission, dated September 27, 1999, Holly Creek did submit a plan for repayment subject to the ruling of the Franklin Circuit Court on its appeal of the Commission's Order. That matter is still on appeal.

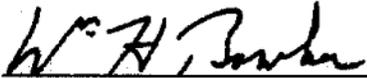
IT IS THEREFORE ORDERED that:

1. The Order entered herein on June 21, 2000 is hereby vacated.
2. The motion of Complainant to compel Holly Creek to submit its refund plan is denied.

Done at Frankfort, Kentucky, this 4th day of August, 2000.

By the Commission

ATTEST:



Executive Director, Acting